

REPLACED BY  
ART 34 AMDT

Patent Cooperation Treaty

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

REC'D 11 FEB 2005

WIPO



PCT

Applicant's or agent's file reference 07527PC	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 02/04772	International filing date (day/month/year) 13.11.2002	Priority date (day/month/year) 13.11.2002
International Patent Classification (IPC) or both national classification and IPC B65D35/44		
Applicant HOFFMANN NEOPAC AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.  
☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:  

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application

Date of submission of the demand 11.06.2004	Date of completion of this report 14.02.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Fournier, J Telephone No. +31 70 340-1031 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/B 02/04772**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-6 as originally filed

**Claims, Numbers**

1-13 received on 10.01.2005 with letter of 07.01.2005

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/IB 02/04772

---

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	1-13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/IB 02/04772

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**Claim 1:**

Closest prior art: D1: US-A-4 688 703

The document D1 discloses a tamper evident element closure according to the preamble of claim 1.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present application can be considered as providing a tamper evident closure preventing movements other than a centred twisting, namely tilting, sliding or eccentric twisting of the socket.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because there is no hint nor any indication in the available prior art leading to such a tamper evident closure.

**Claims 2-13:**

Claims 2-12 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Claim 13, which relates to a container comprising a closure according to one of the claims 1 to 12, also meets the requirements of the PCT with respect to novelty and inventive step.

Claims

1. Tamper evident closure for containers (1), wherein the closure comprises a spout (10) with a twist away element (3) and a removable cap (2), wherein the cap (2) comprises a wrench or a socket (5), such that the cap (2) can be used as a tool for twisting away said twist away element (3) and thereby creating an opening (11) in the spout (10), characterised in that the closure comprises a centring-aid (6, 7), which centres the cap (2) while it is moved, with the wrench or socket (5) first, towards and onto the spout (10).

2. Closure according to claim 1, characterised in that the wrench or socket (5) is, while the closure is closed by the cap (2), on a side of the cap (2) opposite to the container (1), such that the cap (2) is to be inverted when being used as a tool for twisting away said twist away element (3), wherein in particular a symmetry axis of the socket (5) coincides with a symmetry axis of the cap (2).

3. Closure according to one of the preceding claims, characterised in that the centring-aid (6, 7) comprises a first guiding surface (6) on the spout (10) and/or a second guiding surface (7) on the cap (1).

4. Closure according to claim 3, characterised in that the first guiding surface (6) rotatably mates with the second guiding surface (7), once the cap (2) is pushed completely with the wrench or socket (5) first onto the spout (10).

5. Closure according to one of the claims 3 or 4, characterised in that the first guiding surface (6) and the second guiding surface (7) are substantially conic or that the first guiding surface (6) and the second guiding surface (7) are substantially spherical.

6. Closure according to one of the claims 3 to 5, characterised in that the first guiding surface (6) is formed on an outer surface of the spout (10) between a

REPLACED BY  
ART 34 ADPT

rim (12) at a distal end of the spout (10) and the container (1) and/or that the second guiding surface (7) is formed on an inner surface of the cap (2) such that the wrench or socket (5) is an inward continuation of said  
5 second guiding surface (7),

7. Closure according to one of the preceding claims, characterised in that the twist away element (3) has the form of a pin or a star and/or that the twist away element (3) has a multi-fold symmetry, in particular  
10 a three-fold, four-fold, five-fold, six-fold, seven-fold or eight-fold symmetry.

8. Closure according to one of the preceding claims, characterised in that the wrench or socket (5) matches completely or at least along some lines or at  
15 some points the form of the twist away element (3), such that transmission of a torque is possible.

9. Closure according to one of the preceding claims, characterised in that the spout (10) comprises a first thread (8) and the cap (2) comprises a second  
20 thread (9), wherein the first thread (8) and the second thread (9) are designed to match each other, and in particular the first thread (8) is an outside thread and the second thread (9) is an inside thread.

10. Closure according to one of the preceding  
25 claims, characterised in that the cap (2) and the spout (10) comprise snap on means, in particular rims and/or noses.

11. Closure according to one of the preceding claims, characterised in that the outer diameter of the  
30 cap (2) is substantially larger than the diameter of the spout (10) and/or the wrench or socket (5), wherein in particular the cap (2) has a circular recess (14) around wrench or socket (5), in particular open toward the same side as the wrench or socket (5).

35 12. Closure according to one of the preceding claims, characterised in that the container (1) comprises a first rim (12) and the cap (2) comprises a second rim

REPLACED BY  
ART 34 AADT

(13), which are designed such that the first rim (12) mates with the second rim (13), when the cap (2) is on the container (1), in particular such that the opening (11) of the spout (10) is sealed when the cap (2) is held  
5 on the container (1).

13. Closure according to one of the preceding claims, characterised in that the spout (10) is designed as cannula.

14. Closure according to one of the preceding  
10 claims characterised in that it comprises a predetermined breaking line (4) between the spout (10) and the twist away element (3), which predetermined breaking line (4) is arranged substantially inside the spout (10) or at least countersunk in respect to a rim (12) at the distal  
15 end of the spout (10).

15. Container, in particular a tube, comprising a closure according to one of the claims 1 to 14.